



# **Advancing the Human Rights and Climate Change Agenda at the United Nations**

**Possibilities and Challenges**

**A Supporting Paper to the 2011  
Report of the Panel on Human Dignity**

## ABOUT THE ICHRP

The International Council on Human Rights Policy (ICHRP) was established in Geneva in 1998 to conduct applied research into current human rights issues. Its research is designed to be of practical relevance to policy-makers in international and regional organisations, in governments and inter-governmental agencies, and in voluntary organisations of all kinds. The ICHRP is independent, international in its membership, and participatory in its approach. It is registered as a non-profit foundation under Swiss law.

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## OUR WORK ON CLIMATE CHANGE

- [\*Climate Change and Human Rights: A Rough Guide\*](#). (ICHRP Report, 2008).
- [\*Human Rights and Climate Change\*](#), ed. Stephen Humphreys. (Cambridge University Press & ICHRP, 2010).
- [\*Beyond Technology Transfer: Protecting Human Rights in a Climate-Constrained World\*](#). (ICHRP report, 2011).

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## **THE SWISS INITIATIVE**

The Swiss Initiative was launched by the Government of Switzerland to mark the 60th Anniversary of the Universal Declaration of Human Rights. A central component of the Initiative was the development of an Agenda for Human Rights authored by a Panel of Eminent Persons (Panel on Human Dignity).

The members of the Panel are:

- Mary Robinson, Honorary President
- Hina Jilani, Co-Chair
- Paulo Sergio Pinheiro, Co-Chair
- Pregs Govender
- Saad E Ibrahim
- Theodor Meron
- Vitit Muntabhorn
- Manfred Nowak.

## CONTEXT

The adoption by the United Nations Human Rights Council (HRC) of resolution 7/23 in 2008 on climate change and human rights, including linking actions taken in response to existing human rights responsibilities, was a critical first step in advancing a human rights agenda as part of broader efforts to address climate change. Significant work has been done on the links between climate change and human rights by UN Special Procedures, the OHCHR<sup>1</sup>, and a range of civil society organisations and individual experts. In October 2010, the UN Human Rights Council Social Forum focused on the links between human rights and climate change.<sup>2</sup>

Following HRC resolution 10/4 which solidified the recognition that “climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights”, human rights considerations seemed to be gaining traction in climate change fora. The outcome document of the COP in Cancún in December of 2010 specifically referred to resolution 10/4 and emphasised that “parties should in all climate change-related actions, fully respect human rights.” Despite these developments, the outcome documents of the recent Durban COP make no reference to human rights issues as an aspect or consequence of climate change.

As stated by the Panel on Human Dignity’s 2008 report<sup>3</sup>, climate change is a priority issue because it is likely to undermine the realisation of a broad range of internationally protected human rights. The impacts of climate change on rights are myriad and overlapping, affecting the ability to safely access food, water, shelter and land; the rights of indigenous people; flows of migration and settlement (including the creation of ‘climate refugees’); disrupting cultural practices and exacerbating conflict over scarce resources. All these growing and demonstrable realities fall under the aegis of existing human rights treaties, commitments, and obligations and provide a more direct and human-focused view of the reality of climate change. The Panel has thus called for new efforts to link the international human rights regime more closely with the international climate change regime.

When utilising human rights approaches and tools, new avenues for climate change negotiation, action, and advocacy become available, which could better protect the most vulnerable people from negative climate impacts. Through its focus on participation and accountability, a human rights focus would redirect attention to marginalised and vulnerable groups, for example in mitigation and adaptation policies, and provide a sound basis for focusing policy and action where it is most needed. Where communities are already living in precarious circumstances or their way of life is threatened by climate change related events, human rights provides a language of minimum thresholds, legally defined, about which there is already widespread consensus. Additionally, human rights approaches prioritise harms to actual persons and translate ethical demands into legal obligations: thus the human rights legal regime and its accompanying values, standards, and methods of enforcement may be a useful avenue for protection against the adverse effects of climate change.<sup>4</sup>

Yet there are also challenges. Establishing clear causal links between climate change and human rights violations can be a complex exercise. Defining clear rights and obligations may also pose several challenges, as could linking certain documented climate change-related events or effects with particular actions of a given state or states.<sup>5</sup> All the same, the growing volume of work on the climate change and human rights link serves to underline the moral imperative as well as the relevance to policy, governance and law, national and international, for a meaningful response to climate change by the global human rights system.

The human rights dimensions of climate change engage global and national political, environmental, financial, technological and development vectors. A range of institutions and mechanisms within and outside the purview of the United Nations address these complex intersections. Advancing a human rights agenda within the context of such a dense network of institutional mandates and mechanisms, which sometimes overlap while at other times work in parallel, presents significant challenges. In this

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1 A/HRC/10/61.

2 <http://www.ohchr.org/EN/NewsEvents/Pages/2010SFClimatchangeaHR.aspx>.

3 Protecting Dignity: An Agenda for Human Rights, Progress Report of the Eminent Persons Panel, 2008.

4 International Council on Human Rights Policy, *Climate Change and Human Rights: A Rough Guide*, 2008.

5 Climate change and environmental degradation are the result of “complex collective practices” (Hayward, 2005) causes and effects are diffuse and dispersed (geographically and temporally) and thus it is generally difficult to pinpoint a particular occurrence (for example, a landslide, or a flood) as (1) solely the result of climate change and (2) solely caused by one rights-violator/duty-bearer.

context, the International Council on Human Rights Policy (ICHRP) has been invited by the Panel on Human Dignity to reflect on how best to enhance the engagement of UN human rights institutions and mechanisms with ongoing climate change related processes and debates, and to propose possible next steps in this area, taking into account likely challenges.

This paper focuses primarily on the mandate of the HRC in relation to the challenge of ensuring an effective response to climate change, including the proposal for a new Special Procedure on climate change and human rights. It also refers to the potential for action emanating from the mandate of the UN High Commissioner for Human Rights and the United Nations System Chief Executives Board for Coordination.

This paper builds on earlier work in this regard, in particular a joint Center for International Environmental Law (CIEL) and Friedrich-Ebert Stiftung (FES) report, "Human Rights and Climate Change: Practical steps for implementation" (February 2009) which provides a good survey of options towards more effective integration of human rights and climate change across key UN bodies.<sup>6</sup> The present report focuses in particular on strengthening human rights and climate change work within the Human Rights Council and beyond, taking into account recent developments, such as the HRC review process.

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6 Amongst the possible measures outlined in the CIEL and FES report, are included proposals to promote greater synergy between existing human rights and climate change systems, such as the High Commissioner of Human Rights attending UNFCCC Summits, the OHCHR /HRC backed studies on climate issues and training for those working within the human rights and climate change systems so as to interlink the two. The report also traces the options in terms of strengthening the work of the HRC and in particular the existing Special Procedures; creation of a dedicated Special Procedure on climate change; and also the roles of Treaty Bodies.

## I. THE MANDATE OF THE UN HUMAN RIGHTS COUNCIL

### A. THE ESTABLISHMENT OF A SPECIAL PROCEDURE ON CLIMATE CHANGE AND HUMAN RIGHTS

Efforts to create an HRC Special Procedure on climate change and human rights (CC&HR) appear to have gathered momentum amongst states and civil society alike.<sup>7</sup> Special Procedures are widely seen as amongst the most responsive and in some senses also the most effective mechanisms of the HRC, thus proposals for a new mandate relating to climate change are perhaps understandable. In addition, the mandates of at least two current Special Rapporteurs – on the Rights to Food<sup>8</sup> and Adequate Housing<sup>9</sup> – expressly reference climate change as an area for consideration. Increasingly other mandates are also taking into account the human rights dimensions of climate change in their respective areas of work.<sup>10</sup> Climate change has also evoked a collective response from the Special Procedures. For instance, in 2009, twenty Special Procedures mandate holders issued a joint press release to encourage the inclusion of human rights concerns in the UN Climate Change Conference in Copenhagen.<sup>11</sup>

As noted in the CIEL and FES report, the establishment of a Special Procedure on climate change and human rights can make a significant contribution to strengthening a human rights approach to dealing with climate change. A Special Procedure could contribute by way of (1) raising awareness and profile, (2) strengthening development of norms and the legal framework, (3) creating a comprehensive record of the impacts of climate change on human rights, and (4) serving as a focal point for actions addressing the human rights dimensions of climate change. The limitations of Special Procedures are also important to consider, especially their overall modest record in shifting state practice<sup>12</sup> and potential to influence the overall nature of the climate change debate, which has kept human rights on the margins for nearly two decades.

Realisation of the potential benefits of a Special Procedure hinges significantly on the approach and orientations of the mandate holder(s) and the support they receive. If there is agreement amongst governments in establishing a Special Procedure, there are further issues to consider in this respect:

- a) Mandate;
- b) Form;
- c) Institutional support and resources.

#### Mandate

It is clear that the crucial question regarding any Special Procedure is the nature and content of its mandate. To start with, it is crucial that the Special Procedure focuses exclusively on climate change and not more broadly on the environment and human rights. While there are many important environmental concerns relevant to human rights, given the nature of climate crises and rapidly evolving national and global developments it merits particular attention. A broader mandate on environment and human rights could result in a diffusing of focus and hamper the systematic development of a strong body of human rights analyses and approaches to climate change. Moreover, the imprint of climate change on global governance only underlines the political significance of a focused mandate.

As many civil society institutions have already stressed, it is vital that any new mandate in this area include the following basic components:

- a) Undertake country visits, particularly to vulnerable states, as well as missions to relevant international organisations;
- b) Monitor and document cases and instances of human rights violations resulting from climate change or measures taken to address it;
- c) Document good practices and policies with respect to addressing the many human rights dimensions of climate change;

7 This proposal was advanced by many NGOs at the HRC Social Forum on climate change in 2010. See <http://www.ohchr.org/EN/NewsEvents/Pages/2010SFClimatechangeaHR.aspx> for more.

8 Res. 7/14, 2008.

9 Res. 6/27, 2007.

10 See “Annex I – Additional Work on Climate Change” on page 10.

11 See Joint Statement of the Special Procedure Mandate Holders of the Human Rights Council on the UN Climate Change Conference (Copenhagen, 7–18 December 2009), 4 December 2009.

12 For example, Governments replied to only 35 percent of communications sent by Special Procedures between 1 January 2010 and 31 December 2010. “Facts and Figures 2010”, p. 8.

- d) Receive communications from individuals and groups whose rights may have been undermined either by climate change or measures to address it;
- e) Coordinate with other UN mechanisms and bodies.

### Question of Form

Special Procedures of the HRC can take the form of a Special Rapporteur (SR), an Independent Expert (IE)<sup>13</sup> or a Working Group (WG). In considering the establishment of a Special Procedure on CC&HR, it is important to assess whether or not the task would be better performed by an individual expert (SR or IE) or by a group (WG); both forms have their own relative advantages and disadvantages.

In deciding earlier in 2011 on a new Special Procedure on business and human rights, for instance, the HRC appears to have accepted that a WG would bring “a greater combined knowledge about the variety of circumstances and challenges in the area of business and human rights and would be better placed to tailor measures when needed.”<sup>14</sup> This may well resonate in the case of human rights and climate change, given the broad and complex nature of the links.

On the other hand, entrusting the mandate to an individual expert who is dynamic and has high credentials, ideally designated an SR, could avoid the possibility of a mechanism such as a WG, producing a slower or lowest-common-denominator response owing to internal tensions or the need to work by consensus on an issue as complex as climate change. Moreover, by its very nature, an SR would have more autonomy to act and the prestige of the mandate holder could potentially offer additional political weight and media interest.

A possible approach is to complement the institution of an SR along with another body more focused on generating broader policy responses and instituting sustained interaction with other UN bodies. A possible model is the Expert Mechanism on the Rights of Indigenous Peoples established by the Human Rights Council in 2007 (res. 6/36). The Mechanism is mandated to provide thematic advice, in the form of studies and research, on the rights of indigenous peoples as directed by the Council. The SR on the rights and freedoms of indigenous peoples and a member of the Permanent Forum on Indigenous Issues (an ECOSOC subsidiary body) are invited to attend the annual session of the Expert Mechanism to enhance coordination and cooperation between the mechanisms.

Viewed as complementary mechanisms, the combination of an Expert Mechanism and an SR may be a useful way forward to strengthen the human rights agenda on climate change. While the SR would continue to exercise the full range of responsibilities, the Expert Mechanism could (1) work with the SR on providing thematic and policy advice on specific issues and (2) serve as a stronger institutional interface with other bodies by involving and engaging with other key UN actors as well as independent experts in setting a broader human rights policy agenda on climate change.

Another approach is to institute an HRC Forum, in addition to or under the guidance of a Special Procedure, such as the one instituted on business and human rights<sup>15</sup>, to discuss the challenges and promote dialogue and cooperation. A similar approach might be worth applying in the case of CC&HR. The Forum could be open to broad participation of states, UN bodies, other intergovernmental and regional organisations as well as national human rights institutions and a range of civil society organisations working in the field of climate change and human rights.

It is worth noting that the HRC has already instituted the Social Forum, which is actually a subsidiary body of the HRC rather than linked to a Special Procedure. The Social Forum is meant to be a space to enhance dialogue between Member States, civil society, and intergovernmental organisations.<sup>16</sup> While the reports of the Forums are discussed at the HRC, and the Forum itself serves to enhance interaction across institutional boundaries and perspectives, its value in building a sustained body of work to shape policy remains far from clear.

13 Even though the different titles between SR and IE are not intended to reflect any inherent differences in the scope of the mandate (<http://www.ohchr.org/Documents/Publications/FactSheet27en.pdf>) there seems to be a perception that SR carries greater political sensitivity or traction – note, for instance, opposition of some states parties to the transition of the IE on water and sanitation to an SR (<http://www.canadians.org/campaignblog/?p=7224>). There are over twenty SR mandates and five IE mandates.

14 <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11165&LangID=E>.

15 Res. A/HRC/17/4, 2011.

16 <http://www.ohchr.org/EN/Issues/Poverty/SForum/Pages/SForumIndex.aspx>.

## Ensuring institutional support and resources

While the outcome document<sup>17</sup> of the Review Process of the Human Rights Council<sup>18</sup> did not include the proposal to restart the Review and Rationalization and Improvement of Mandates (including proposals over reducing the number of Special Procedures mandates, to merge or to convert some of the SRs into WGs, etc.), the reality is that in recent years the number of Special Procedures has steadily increased. Since 2008, seven new thematic Special Procedures have been created<sup>19</sup> and at the end of 2010, there were 41 Special Procedures (33 thematic mandates and eight mandates relating to countries or territories)<sup>20</sup> but without an increase in the budget allocated to the Office of the High Commissioner for Human Rights (OHCHR) to provide support to the mandate holders, who in any case are not financially remunerated. In fact, in 2009 and 2010 the external funding of OHCHR (counting for 60% of its global funding needs) decreased.<sup>21</sup>

As a consequence, the limited resources that OHCHR has to support mandate holders are now being shared between more mandates holders, weakening the already limited support provided.<sup>22</sup> In this regard, it is crucial that if a Special Procedure on climate change were to be established, it must be accompanied by a clear commitment to provide funds to support the mandate. However, underlining the outcome of the HRC review process, it is important to stress the need for adequate and equitable resources for all Special Procedures.<sup>23</sup> Currently, some Special Procedures have additional staff support at OHCHR due to specific earmarked funds to their mandates while some receive external contributions to support their work outside the OHCHR – indeed, many would not be able to function effectively without such funding. In any case, the reality is that the establishment of a Special Procedure on climate change and human rights without a clear commitment to overall resource augmentation may significantly undermine its effectiveness.

### **B. STRENGTHENING THE WORK OF EXISTING SPECIAL PROCEDURES ON CLIMATE CHANGE**

Irrespective of the institution of a dedicated Special Procedure, existing mandate holders should be encouraged to address the human rights dimensions of climate change in their mandates. All relevant mandate holders must be encouraged (perhaps by a resolution of the HRC) to address climate change and to enhance coordination in this area. Better coordination would also enable greater consistency across the work of various SRs on the issue and contribute to building of a systematic body of knowledge and awareness.

That said, not all relevant mandate holders are necessarily sufficiently knowledgeable about, let alone experts on, climate change. Therefore, the OHCHR (and civil society) would need to play a more active role in ensuring that climate change related issues are indeed addressed effectively with the various relevant mandates. This would imply increasing the internal expertise of OHCHR, and ensuring this expertise is shared with or held by those providing support to Special Procedures.

### **C. DECLARATION OF GUIDING PRINCIPLES OR A FRAMEWORK ON CLIMATE CHANGE AND HUMAN RIGHTS**

Detailing and clarifying a human rights approach to climate change could potentially benefit from the adoption by the HRC of a set of guiding principles or framework on climate change and human rights. This could be done following the experience of the Guiding Principles on Internal Displacement

17 A/HRC/WG.8/2/1 Outcome of the review of the work and functioning of the United Nations Human Rights Council.

18 [http://www2.ohchr.org/english/bodies/hrcouncil/HRC\\_review.htm](http://www2.ohchr.org/english/bodies/hrcouncil/HRC_review.htm).

19 The new mandates created are: the Special Rapporteur on the human right to safe drinking [water](#) and sanitation (former Independent expert), the Independent Expert in the field of [cultural rights](#); the Independent expert on the promotion of a democratic and equitable international order; the Working Group on the issue of discrimination against [women in law and in practice](#); Special Rapporteur on the promotion of truth, justice, reparation & guarantees on non-recurrence; and the Special Rapporteur on the rights to [freedom of peaceful assembly and of association](#). In addition, the mandate of the [Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises](#) was replaced by a Working Group on [transnational corporations and other business enterprises](#).

20 "Facts and Figures 2010", [http://www2.ohchr.org/english/bodies/chr/special/docs/Facts\\_Figures2010.pdf](http://www2.ohchr.org/english/bodies/chr/special/docs/Facts_Figures2010.pdf).

21 While the regular funding to OHCHR increased for the 2008–2009 (from USD 120.6 million to USD 141.4 million) the regular budget represent only 2.8% of the overall United Nations Secretariat budget of 2010–2011. OHCHR Report 2010, p. 78.

22 Additional funds towards the work of Special procedures are necessary and today considerable amount of funding is already earmarked to specific mandates. OHCHR Report 2010, p. 274.

23 The review also called on states parties to extend possible unearmarked contributions. Some states parties would like to see that all voluntary contributions are unearmarked or channelled through a common fund and distributed equally among Special Procedures.

(1998), for example.<sup>24</sup> The process of developing such guidelines could be steered by the Special Procedure constituted by the HRC. Even without a lengthy negotiating process, such an initiative could draw on the expertise of various actors within and beyond the UN as well as environmental and human rights NGOs, which could result in a sound set of standards in a relatively short period of time (in the case of the Guiding Principles on Internal Displacement, it took two years), which could back-stop further policy and advocacy efforts within the UN.

While such principles or framework would not be binding in formal legal terms, they could potentially receive political traction from many states and also acquire a normative standing thanks to civil society advocacy as well as reference by domestic courts and international mechanisms, as has been the case with the principles on internal displacement. Notwithstanding the potential advantages, it is also important to note that such a process is not always easy to steer, is resource intensive, and could easily over-extend the efforts of already stretched UN human rights resources dedicated to climate change as well as the advocacy resources of civil society. Additionally, such a process may require the leadership and facilitation of a Special Procedure mandate holder who can lead the drafting and framing (as in the cases of the Guiding Principles on internal displacement and on business and human rights<sup>25</sup>). However, there is precedent of the OHCHR playing such a role, for example in the case of the Recommended Principles and Guidelines on Human Rights and Human Trafficking, which were developed under the direction of then High Commissioner Mary Robinson in consultation with experts, NGOS, and UN agencies.

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24 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement>.

25 In both these cases the process was led initially by a Special Representative of the Secretary General, which were subsequently converted into HRC mandated Special Procedure.

## II. BEYOND THE HUMAN RIGHTS COUNCIL

While the process of establishing a sound human rights approach to climate change must begin with the human rights institutions of the UN, it would remain of limited value if it does not impact across the entire UN system. Needless to say, this is a challenge the human rights framework faces generally, despite the many attempts at 'mainstreaming' over the years. It is beyond the scope of this brief paper to discuss issues of relevance to all key UN bodies in this regard. The present section focuses instead on (a) the role of the OHCHR in facilitating a process of diffusion and impact, and (b) two of the coordinating mechanisms of the UN.

### A. STRENGTHENING OHCHR CAPACITY TO ENSURE GREATER VISIBILITY FOR A HUMAN RIGHTS APPROACH TO CLIMATE CHANGE IN UN SYSTEM-WIDE RESPONSES

If the human rights dimensions of climate change are to be addressed meaningfully within the UN system and by the HRC's Special Procedures, strengthening the institutional capacities and expertise within the OHCHR itself must be a priority. OHCHR has increasingly engaged with climate change issues in recent years. However, the human and financial resources available within OHCHR are far from optimum. This restricts its abilities to generate strategically relevant work and agenda-setting interventions at key moments in a complex and fast-changing debate. In addition, resource constraints also hinder the development of sustained links and consistent engagement with a number of other bodies working on climate change, whose agendas lack a human rights dimension. At an even broader level, it is critical to expand the capacities of OHCHR to work on environmental and human rights links. Without such capacities the Office will not be able to further collaboration and decisive engagement with other relevant agencies or provide solid human rights analysis to other governmental, inter-governmental or civil society actors addressing the environment in general and climate change in particular.

It is also true that to some extent the potential of Special Procedures to effectively address climate change related issues in a coherent and consistent manner depends in part on the OHCHR's capacity to support them. In addition, it is critical to enhance internal coordination within OHCHR. Climate change could engage at least three parts of OHCHR: the Special Procedures Branch (SPB)<sup>26</sup>, which provides support for thematic Special Procedures mandate holders; the Field Operations and Technical Cooperation Division (FOTCD), which supports country-based work, including supporting country-based Special Procedures, and field offices mandates; and the Research and Right to Development Division (RRDD), which in addition to work on economic, social and cultural rights, the right to development, millenium development goals, rule of law, etc., also provides support to a smaller number of thematic mandates. The development of an effective human rights agenda on climate change would hinge on greater coordination between these different divisions, including the support of a dedicated Special Procedure.

The OHCHR focal point on human rights and the environment including climate change is based in RRDD, within the Human Rights and Economic and Social Issues Section (HRESIS). This focal point is currently just one member of staff, whose portfolio covers both the environment and climate change. This is clearly insufficient given the many diverse and complex arenas of work that merit attention ranging from building a critical knowledge base to advocating for human rights approaches in the growing number of climate, environmental and sustainable development decision-making fora, including Rio+20 and UNFCCC COPs, etc. While the links between these themes are obvious, if the OHCHR is to make timely, sustained and significant contributions, there has to be an expansion of its capacities, including having staff resources focused specifically on climate change. This merits urgent attention both of higher-level decision making within the UN as well as member states.

### B. INFLUENCING THE COORDINATING MECHANISMS OF THE UN

The existing systems of coordination within the UN need to strengthen their engagement with climate change and human rights as related issues and better incorporate a human rights approach in their work on climate change. Here, the role of two key coordinating mechanisms that engage with climate change are discussed:

The **United Nations System Chief Executives Board (CEB)** brings together the heads of UN bodies to ensure institutional synergies and manage the mutual efforts of UN and international bodies towards common goals. The CEB meets twice yearly and is made up of the heads of 27 UN organisations<sup>27</sup> with the Secretary-General as Chair.

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26 Part of the Human Rights Council & Special Procedures Division.

27 This includes the heads of the 15 specialised agencies, 10 UN Funds and Programs, as well as the IAEA and WTO.

The CEB has taken on climate change as one of its main thematic areas of concern (alongside such issues as gender, the financial crisis, and regional conflicts). This has resulted in an examination on the role the UN system can play in both developing international approaches to climate change as well as aiding national and regional efforts.<sup>28</sup> The primary goal of the CEB is to support currently existing mandates relating to climate change as well as providing the institutional architecture for carrying through a “post-2012” global agreement through the UNFCCC. The actual and foreseen involvement and coordination with UN agencies extends across a wide variety of fields including scientific cooperation regarding climate monitoring and predictions<sup>29</sup>, adaptation strategies<sup>30</sup>, capacity building<sup>31</sup>, and technology transfer<sup>32</sup> to name a few. The CEB’s engagement with climate change is aligned around five focus areas and four “cross-cutting” themes<sup>33</sup>:

<b>FOCUS AREAS</b>	<b>CONVENING AGENCY</b>
Adaptation	UNFCCC
Technology transfer	UNIDO, WIPO, ITU and UN-DESA
Forestry and Agriculture	UNDP, FAO, UNEP
Financing mitigation and adaptation action	UNDP, World Bank
Capacity-building	UNDP, UNEP
<b>CROSS-CUTTING AREAS</b>	
Climate knowledge: science, assessment, monitoring and early warning	WMO, UNESCO
Supporting global, regional and national action	UN-DESA, UN Regional Commissions, UNDP/UNDG
Public awareness-raising	UN Communications Group, UNEP
Social Dimensions of Climate Change	ILO, WHO, UN-DESA

These areas of interest are further explored in a report titled “Acting on Climate Change: The UN Acting as One” through the work of the High Committee on Programs, which outlines the CEB work in policy coordination.<sup>34</sup> Not only is a human rights approach largely omitted from this work (although OHCHR does participate in the Social Dimensions of Climate Change area), but also human rights, even though ostensibly one of three pillars of the UN, are not included among the cross-cutting areas. ‘Social Dimensions of Climate Change’ appears an insufficient proxy for human rights concerns. While all UN agencies should mainstream human rights into their various activities and programmes within the framework of their respective mandates, a major obstacle remains in the lack of expertise on addressing the human rights impact of climate change within other agencies.

The **United Nations Inter-Agency Standing Committee (IASC)** is a system-wide coordinating body to strengthen response to humanitarian crises.<sup>35</sup> The IASC, at the task-force level, created a climate change division in July 2008. The mandate for this group includes inputting into the UNFCCC process and providing guidance to the IASC on integrating climate risk management into agency work by developing relevant guidelines and tools.

The work of the task-force, involving educational activities, providing technical and expert assistance to negotiators at the UNFCCC, promoting “best practices” at the national and regional levels, etc., does not appear to take into account human rights principles or approaches. This is despite the fact that the UN High Commissioner for Human Rights and the Special Rapporteur on the human rights of internally displaced persons are Standing Invitees to the meetings of Principals, which includes the heads of agencies like UNHCR, UNICEF, UNFPA as Full Members.

Securing a substantial CEB and IASC engagement with the human rights dimensions of climate

28 Coordinated UN System Action on Climate Change, UN CEB. December 3rd, 2007. Available at: <http://www.unsceb.org/ceb/ref/hlcp/climate-change/CEB%20Bali%20paper%208%20Dec%2007%20full%20version.pdf>.

29 Ibid. p.13.

30 Ibid. p.17.

31 Ibid. p. 21.

32 Ibid. p. 33.

33 CEB, Climate Change Action Framework. Available at: <http://www.unsceb.org/ceb/priorities/climate-change/newoverview/ceb-climate-change-action-framework>.

34 Acting on Climate Change: The UN Delivering as One, UN CEB. November 2008. Available at: <http://www.unsceb.org/ceb/ref/hlcp/climate-change/Poznan%20paper%20%20-19%20Nov%2008.pdf>.

35 See <http://www.humanitarianinfo.org/iasc/>. The primary goals of the IASC include the development and allocation of responsibilities of system wide humanitarian policies, to identify gaps in mandates or operational coverage, to advocate for communal humanitarian principals with regional and global actors, and to resolve disagreements between agencies.

change is, arguably, one way of ensuring greater system-wide visibility and consideration of human rights concerns. Yet, the current situation is only symptomatic of the role and marginal location of human rights based approaches and mechanisms within the wider, global climate change discourse.

It is clear that to ensure the engagement of the CEB and IASC, the OHCHR needs to substantially ramp up its own ability to influence high-level decision making within the UN system. For example, OHCHR could become one of the convening agencies for the 'social dimensions of climate change' cross-cutting area of the CEB. At the very least there is a need for OHCHR to make a stronger case for a greater human rights imprint on these UN coordination mechanisms and ensure that all UN agencies contribute to the capacities of "duty bearers" to meet their obligations and to "rights holders" to claim their rights as requested by the UN Statement of Common Understanding (2003). However, it deserves reiteration that the ability of the OHCHR to play such roles is subject to augmenting its human and financial resources dedicated to climate change.

There is also a need for states, in particular groups like the Association of Small Island States (AOSIS<sup>36</sup>), Small Island Developing States (SIDS) and Least-Developed Countries (LDCs) to press for greater high-level engagement within the UN system (including within bodies like the CEB and IASC) on the human rights dimensions of climate change. Outside of the CEB system, the OHCHR and supportive states should exert pressure to ensure the High Commissioner for Human Rights is including among those agency heads permitted to speak to the main plenary sessions of the UNFCCC COP.

### **III. CONCLUSION**

To conclude, some key points are worth reiterating. Firstly, a Special Rapporteur on human rights and climate change with an appropriate mandate could contribute significantly to strengthening the human rights approach to climate change. Secondly, other measures, such as an Expert Mechanism of the HRC, and the development of guiding principles on human rights and climate change could also play an important role in providing policy guidance and the foundations for further standard setting. Thirdly, expanding the resources and capacities of the OHCHR to work on climate change is vital not only to support these measures, but also to ensure that the OHCHR and in turn human rights principles and standards can exert more influence on decision-making throughout the UN system, including serious consideration of human rights in climate change fora. In order to achieve these goals, it is imperative that governments commit necessary political will and resources. Civil society, working with states committed to climate justice, must continue to exert pressure to ensure the UN human rights system stands by those whose rights are most vulnerable to the effects of, and responses to, climate change.

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36 <http://aosis.info/>

## **ANNEX I – ADDITIONAL WORK ON CLIMATE CHANGE**

### **HUMAN RIGHTS COUNCIL AND CLIMATE CHANGE**

Human Rights Council Resolution 7/23 “Human rights and climate change” (28 March 2009).

Human Rights Council Resolution 10/4 “Human rights and climate change” (25 March 2009).

Human Rights Council Resolution 18/22 “Human rights and climate change” (September 2011).

Panel Discussion on the Relationship of Climate change and Human rights, 11th session, June 2009.

Social Forum on Climate Change and Human rights, 4-6 October, 2010 (the report was considered at the 2011 March session of the Council).

### **EXAMPLES OF REPORTS SPECIAL RAPPORTEURS’ WORK RELATED TO CLIMATE CHANGE**

Report of the Special Rapporteur on adequate housing to the 64th session of the General Assembly on the impact of climate change on the fulfillment of the right to adequate housing (A/64/255). <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/64/255&Lang=E>.

Report of the Representative of the Secretary-General on the human rights of internally displaced persons to the 64th session of the General Assembly on the nexus between climate change and internal displacement (A/64/214).

Report of the Special Rapporteur on adequate housing on the mission to Maldives (A/HRC/10/7/Add.4).

Report of the Special Rapporteur on the Right to Food on “Climate Change and the Right to Food”, prepared by the Columbia Law School under the supervision of the SR.

Position Paper by the Independent Expert on water and sanitation on “Climate Change and the Human Right to Water and Sanitation”.

Joint report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, and the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque on the mission to Bangladesh (A/HRC/15/55).

Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona - Mission to Viet Nam (A/HRC/17/34/Add.1).

Press statement, on the occasion of the Cancun Climate Summit, Special Rapporteur Right to food, Olivier de Shutter, 29 November 2010. [http://www.srfood.org/images/stories/pdf/press\\_releases/20101129\\_press-release-cancun-summit\\_en.pdf](http://www.srfood.org/images/stories/pdf/press_releases/20101129_press-release-cancun-summit_en.pdf).

Press statement, on the occasion of the Copenhagen Climate Summit, Special Rapporteur Right to food, Olivier de Shutter, 16 December 2009. [http://www.srfood.org/images/stories/pdf/otherdocuments/20091216\\_press-release-climate-change\\_en.pdf](http://www.srfood.org/images/stories/pdf/otherdocuments/20091216_press-release-climate-change_en.pdf).

### **OHCHR’S WORK ON CLIMATE CHANGE**

[OHCHR study on the relationship between climate change and human rights](#), A/HRC/10/61 (2009)

[Information note on HRBA to Climate Change](#) <http://www.ohchr.org/Documents/Issues/ClimateChange/InfoNoteHRBA.pdf>

“[Climate Change and Human Rights](#)”, Address by Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights, Conference of the Parties to the United Nations Framework Convention on Climate Change and its Kyoto Protocol, 3-14 December 2007, Bali, Indonesia.

Statement of DHC at HRC side event “Perspectives on Human Rights and Climate Change” hosted by the missions of Ireland and the Maldives, 13 September 2011.

[The Human Rights Impact of Climate Change](#) (PDF), United Nations Joint Press Kit for Bali Climate Change Conference, 3-14 December 2007

“[Climate Change, Migration and Human Rights](#)”, Address by Ms. Kyung-wha Kang Deputy High Commissioner for Human Rights, Conference on Climate Change and Migration: Addressing Vulnerabilities and Harnessing Opportunities, 19 February 2008, Geneva.